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VIA E-FILING AND E-MAIL

September 27, 2006

Chief Judge Sue L. Robinson
United States District Court
844 King Street
Wilmington, DE 19801

Re: SRI International Inc. v. Internet Security Systems, Inc., et al.
USDC-D. Del. - C. A. No. 04-1199 (SLR)



Dear Chief Judge Robinson:

ATLANTA
AUSTIN
BOSTON
DALLAS
DELAWARE
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

I write in response to Symantec's letter to you dated September 26, 2006. To streamline its case, SRI advised the Court on September 8, 2006 that it was withdrawing its allegations that Symantec's currently accused products infringe U. S. Patent No, 6,321,338. Since then, Symantec has requested various overly broad licenses from SRI. SRI has responded to these requests by directing Symantec to Federal Circuit authority that limits the required scope of such licenses, and that indicates that withdrawing asserted patents divests the trial court of jurisdiction to hear a defendant's affirmative defenses and counterclaims as to those patents. *See, e.g., Super Sack Mfg. v. Chase Packaging Corp.*, 57 F.3d 1054 (Fed. Cir. 1995); *Intellectual Prop. Dev. Inc. v. TCI Cablevision of Cal.*, 248 F.3d, 1333, 1341 (Fed. Cir. 2001); *Amana Refrigeration, Inc. v. Quadlux, Inc.*, 172 F.3d 852, 855 (Fed. Cir. 1999); *BP Chemicals Ltd. v. Union Carbide Corp.*, 4 F.3d 975, 981 (Fed. Cir. 1993).

Nonetheless, Symantec continues to demand licenses for itself and its customers for unspecified and unaccused "activities." This is all the more surprising given that Symantec has consistently argued that only certain specifically accused products are at issue in this case. SRI intends to address the dismissal of Symantec's defenses and counterclaims regarding the '338 patent at the pretrial conference on October 12.

Very truly yours,

John F. Horvath

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